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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Daniel R. McGlynn
Symbol Technologies, Inc.
One Symbol Plaza, MS-A-6
Holtsville, NY 11742

EXAMINER

KRAMER, JAMES A

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 08/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/829,800

Applicant(s)

INDENCE, BERNADETTE

Examiner

James A. Kramer

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- ☐ Interview Summary (PTO-413) Paper No(s) ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-3 and 7-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the symbol product data" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim 3 recites the limitation "the message" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "the e-mail" in line 1. There is insufficient antecedent basis for this limitation in the claim. Examiner believes that applicant is referring to "the e-mail" referenced in claim 3. However, claim 4 depends on claim 1 and thus does not include the limitations of claim 3. Examiner recommends making claim 4 dependent on claim 3.

Claim 7 recites the limitation "the message" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "the destination station" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 1 recites the limitation "processing the data from the bar code symbol together with user options, and the user identification into a scheduling task" in lines 4-5. The claim later recites the limitation "processing the symbol product data, scheduling task and the user identification information" in lines 8-9. The applicant has already processed the user identification information into the scheduling task, therefore processing the scheduling task with the user identification again renders the claim confusing.

For the purpose of express prosecution the claims, as best interpreted by the office will be examined on the merits.

Art Unit: 3627

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5, 6, 9, 10, 11, 12 and 13, as best interpreted by the examiner are rejected under 35 U.S.C. 102(b) as being anticipated by Green et al. Green et al. teaches a remote ordering system with a bar code reader (column 3; lines 5-20) for reading a bar code symbol. The bar code symbol is processed with user options and user information (column 5; lines 28-39) over a wireless network (column 4; lines 64-66) to find a potential vendor (column 5; lines 9-14) from a vendor database and to send a message back to the user with product information from the potential vendors (column 8; lines 39-41) allowing the user the option to purchase the products (column 12; lines 57-60). Green et al. teaches running this system on the Internet (column 5; lines 19-20). Finally, Green et al. teaches a display/prcessor unit (DPU) with all the capabilities and features of a personal digital assistant (PDA) (column 4; lines 40-60) therefore it is reasonable to assume that the DPU of Green et al. is a PDA.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 4, 7, and 8, as best interpreted by the examiner are rejected under 35 U.S.C. 103(a) as being unpatentable over Green et al. in view of *How the Internet Works*.

The system of Green et al. (as described in detail above) does not specifically teach sending messages from the vendor database to the DPU either via html with query strings or via email.

Art Unit: 3627

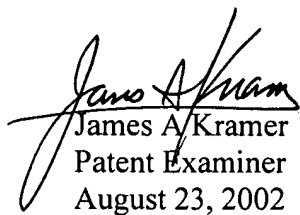
The book *How the Internet Works* teaches standard methods of utilizing the Internet to send and receives information. In particular the use of e-mail is taught in chapter 17: How Email Works and the use of HTML and query strings is taught in Part 5: How the World Wide Web Works. Since the system of Green et al. teaches utilizing the Internet It would have been obvious to anyone skilled in the art at the time of the invention to apply either e-mail or HTML with query strings to send and receive messages, as taught in *How the Internet Works* between the vendor database and the DPU of Green et al. Anyone of ordinary skill in the art at the time of the invention would have been motivated to combine the system of Green et al. with the teachings of *How the Internet Works* in order to provide a reliable system that would be compatible the any user that wanted to purchase or use the system.

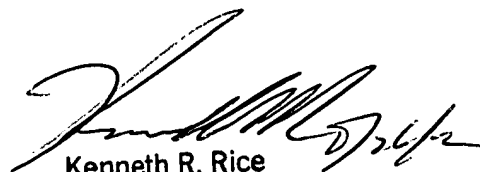
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (703) 305-5241. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-9123 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.


James A. Kramer
Patent Examiner
August 23, 2002


Kenneth R. Rice
Primary Examiner